

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY S
05 AUG 29 AM 8:46 D.C.
CLERK U.S. DISTRICT COURT
WD OF TN JACKSON

JOE BERKLEY,)
)
Plaintiff,)
)
v.) Civil Action No. 05-2341-T/An
)
THE PICTSWEET COMPANY,)
)
Defendant.)

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)): September 13, 2005

JOINING PARTIES:

for Plaintiff: October 31, 2005
for Defendant: November 30, 2005

AMENDING PLEADINGS:

for Plaintiff: October 31, 2005
for Defendant: November 30, 2005

COMPLETING ALL DISCOVERY: March 13, 2006

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES AND REQUESTS FOR ADMISSIONS:** March 13, 2006

(b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**

(i) Plaintiff's Experts: January 15, 2006

(ii) Defendant's Experts: February 14, 2006

(iii) Supplementation under Rule 26(e): 10 days after Defendant's disclosure

(c) **DEPOSITIONS OF EXPERTS:** March 13, 2006

FILING DISPOSITIVE MOTIONS: April 12, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: May 29, 2006
- (b) for Defendant: June 13, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last four days and is **SET for JURY TRIAL** on July 12, 2006 at **9:30 A.M.** A joint pretrial order is due on June 30, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

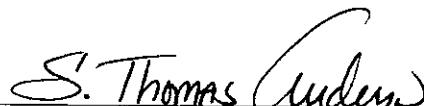
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: August 26, 2005

APPROVED AS TO FORM:

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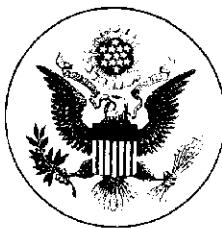
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Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 2:05-CV-02341 was distributed by fax, mail, or direct printing on August 30, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT